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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91199529
Party	Defendant Georgia Pellegrini Media Group, LLC
Correspondence Address	ROBERT KLEINMAN KLEINMAN LAW FIRM PLLC 404 WEST 7TH STREET AUSTIN, TX 78701 UNITED STATES robert@kleinmanlawfirm.com
Submission	Motion for Summary Judgment
Filer's Name	Robert Kleinman
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Signature	/robert kleinman/
Date	06/10/2012
Attachments	Filed.Motion.for.Judgment.504.pdf ( 42 pages )(4058200 bytes )

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the matter of Application  
Serial No. 76/702,199  
Mark: GIRL HUNTER

HUNTER BOOT LIMITED

*Opposer,*

vs.

GEORGIA PELLEGRINI  
MEDIA GROUP, LLC

*Applicant.*

Opposition No.: 91199529

**APPLICANT’S MOTION FOR JUDGMENT ON THE PLEADINGS**

Applicant, Georgia Pellegrini Media Group, LLC respectfully submits this, its Motion  
For Judgment On The Pleadings pursuant to Trademark Trial And Appeal Board  
Manual Of Procedure (“TBMP”) Rule 504, and would show the Board as follows:

### **UNDISPUTED FACTS**

1. On or about March 23, 2010, Applicant filed USPTO Serial No. 76702199 for the stylized mark “GIRL HUNTER”.
2. On or about November 19, 2010, USPTO Attorney Examiner, Amy C. Kean, approved Applicant’s GIRL HUNTER mark for publication.
3. On or about December 21, 2010, Applicant’s GIRL HUNTER mark was published for opposition.
4. On or about April 20, 2011, Opposer filed its Notice of Opposition (“Opposition” see Exhibit A, attached).
5. The Opposition comprised 12 paragraphs of purported facts and allegations, all supposedly relating to Applicant’s mark (Exhibit A).
6. However, in none (zero) of its 12 paragraphs did the Opposition correctly represent Applicant’s mark (Exhibit A).
7. Instead, the Opposition exclusively *misrepresented* Applicant’s mark as “HUNTER GIRL” (see excerpt from the Opposition, Exhibit A, reproduced immediately below):

4. On March 23, 2010, Applicant filed U.S. Trademark Application Serial No. 76/702,199 for the mark HUNTER GIRL (stylized) (“Applicant’s Mark”) in connection with “clothing, namely, t-shirts, sweat shirts, jackets, shirts, pants, shoes, shorts and gloves; hunting apparel, namely, pants, shirts, jackets, hats, gloves and shoes” in class 25, under section 1(b) of the Trademark Act, 15 U.S.C. § 1051(b).

8. Applicant’s mark is in fact GIRL HUNTER; not “HUNTER GIRL” as Opposer falsely claimed.

9. On or about May 16, 2011, Applicant filed its Answer to the Opposition (“Answer” see Exhibit B, attached).

10. The Answer expressly identified Opposer’s misrepresentation of Applicant’s mark. More specifically, the Answer possessed the following clear and unambiguous language (see excerpt from Exhibit B, reproduced immediately below):

4. Applicant denies the allegations of Paragraph 4. Applicant did not apply for the mark HUNTER GIRL, but rather for the mark GIRL HUNTER (stylized).

11. On or about June 28, 2011, Opposer filed its Amended Notice of Opposition (“Amended Opposition” see Exhibit C, attached).

12. Despite the Answer’s clear statement that Applicant’s mark is in fact “GIRL HUNTER”, the Amended Opposition then *reiterated* Opposer’s misrepresentation that Applicant’s mark is “HUNTER GIRL”.

13. In other words, although it had actual knowledge directly to the contrary, Opposer continued to misrepresent Applicant’s mark as “HUNTER GIRL” to the Board (see excerpt from Exhibit C, reproduced immediately below<sup>1</sup>).

4. On March 23, 2010, Applicant filed U.S. Trademark Application Serial No. 76/702,199 for the mark HUNTER GIRL (stylized) (“Applicant’s Mark”) in connection with “clothing, namely, t-shirts, sweat shirts, jackets, shirts, pants, shoes, shorts and gloves; hunting apparel, namely, pants, shirts, jackets, hats, gloves and shoes” in class 25, under section 1(b) of the Trademark Act, 15 U.S.C. § 1051(b).

14. Applicant’s mark, Serial No. 76702199 is for “GIRL HUNTER”.

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<sup>1</sup> The featured excerpts from the Opposition and Amended Opposition are actual reproductions from the two respective documents. While they are both paragraph number 4s, the two excerpts are from distinct oppositions filed months apart.

15. Applicant's mark, Serial No. 76702199 is **NOT** for "HUNTER GIRL" as Opposer falsely maintains to this day.

16. For in excess of 14 months, from April 2011 to the present day, Opposer has misrepresented Applicant's mark as "HUNTER GIRL" in these proceedings.

### **LEGAL ARGUMENT**

17. TBMP 504.02 states "A motion for judgment on the pleadings is a test solely of the undisputed facts appearing in all the pleadings, supplemented by any facts of which the Board will take judicial notice."

18. In both its original Opposition and its live Amended Opposition, Opposer fails to accurately represent or identify Applicant's mark. Instead, Opposer falsely maintains that Applicant's mark is "HUNTER GIRL".

19. Opposer's false designation of Applicant's mark is purposeful and intentional. For despite receiving actual notice of its false designation on May 16, 2011, (via Applicant's Answer) Opposer then reiterated its untrue representation of Applicant's mark on June 28, 2011, in its Amended Opposition.

20. The Board should take judicial notice that Applicant's mark is GIRL HUNTER.

21. Contrary to Opposer's misrepresentation, there is no genuine issue of material fact that Applicant's mark is actually "HUNTER GIRL".

22. Opposer's pleadings materially misrepresent Applicant's mark, they are factually and facially untrue, and therefore fail to raise a genuine issue of material fact.

23. Opposer's position that Applicant's mark is actually "HUNTER GIRL" has been maintained in excess of one year and cannot be rationalized as, or reasonably deemed to be, the product of excusable neglect.

24. Applicant has experienced extensive damages, delays and fees as a result of Opposer's misrepresentation to the Board that Applicant's mark is "HUNTER GIRL".

### **CONCLUSION AND PRAYER**

For the foregoing reasons, Applicant respectfully submits that judgment with prejudice be entered for Applicant, and against Opposer, in this proceeding.

Dated this 10<sup>th</sup> Day of June, 2012

Respectfully submitted,

/robert kleinman/  
Robert Kleinman  
KLEINMAN LAW FIRM PLLC  
404 West 7<sup>th</sup> Street  
Austin, TX 78701  
Tel: 512-299-5329  
Fax: 512-628-3390

Attorney for Applicant

### **CERTIFICATE OF SERVICE**

I certify that I have today, June 10, 2012, caused the foregoing Applicant's Motion for Judgment on the Pleadings and all attachment thereto, to be served upon the Attorneys of Record for Opposer via email, as agreed by the parties on May 16, 2012, as follows:

Margaret McHugh & Tali Alban  
mmchugh@kilpatricktownsend.com  
tialban@kilpatricktownsend.com  
Kilpatrick Townsend & Stockton LLP  
Two Embarcadero Center, Eighth Floor  
San Francisco, CA 94111

/robert kleinman/  
Robert Kleinman

## **Exhibit A**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

*In re* Application No. 76/702,199

Filed: March 23, 2010

Published: December 21, 2010 in the Official Gazette

For: **GIRL HUNTER (Stylized)**

HUNTER BOOT LIMITED,

Opposer,

vs.

GEORGIA PELLEGRINI MEDIA GROUP, LLC,

Applicant.

Opposition No. \_\_\_\_\_

**NOTICE OF OPPOSITION**

**UNITED STATES PATENT AND TRADEMARK OFFICE**

Trademark Trial and Appeal Board

P.O. Box 1451

Alexandria, Virginia 22313-1451

Dear Madam:

HUNTER BOOT LIMITED, a United Kingdom Limited Liability Company, located at 36 Melville Street, Edinburgh, Scotland EH3 7HA, and doing business in the United States, believes that it will be damaged by the registration in International Class 25 of the mark GIRL HUNTER (stylized), as shown in Application Serial No. 76/702,199 filed by Georgia Pellegrini Media Group, LLC. ("Applicant"), a New York Limited Liability Company, with a mailing



address at 99 Rockland Road, Sparkill, New York 10976, and published in the Official Gazette of December 21, 2010, and hereby opposes registration thereof.

As grounds for opposition, Hunter Boot Limited alleges:

1. Hunter Boot Limited ("Opposer") is the owner of the following U.S. registrations:
  - a. No. 1,550,244, for the mark ROYAL HUNTER in class 25 for "weatherproof boots". Opposer's application for this registration was filed on May 12, 1988, based on use in commerce since at least as early as March, 1986, and matured to registration on August 1, 1989;
  - b. No. 2,740,877 for the mark HUNTER for "footwear" in class 25. Opposer's application for registration No. 2,740,877 was filed on July 30, 1997, based on use in commerce since at least as early as November 28, 1983, and matured to registration on July 29, 2003; and
  - c. No. 3,876,340 also for the mark HUNTER & Design, which covers a variety of goods and services in classes 3, 9, 14, 18, 20, 21, 24, and 25. The goods identified in class 25 include: "Clothing, namely, skirts, culottes, pants, blouses; footwear; headgear, namely, hats and caps; boots; welts for boots and shoes; non-slipping devices for boots, namely, studs for boots, studs for shoes, over soles for boots and shoes; inner soles; heels and soles for footwear; insoles for boots and shoes; liners for boots and shoes; shaped bags and pouches adapted to carry boots and shoes, namely, bags for Wellington boots, bags for waterproof boots, bags for hiking boots and bags for hiking shoes; socks; hats; gloves; scarves; waterproof footwear; galoshes; garters; headbands; jackets; jerseys; jumpers; knitwear, namely, knitted gloves,

jerseys, jumpers, sweaters, cardigans, pullovers, waistcoats and tank-tops; neck ties; outer clothing, namely, outer jackets, outer coats, raincoats, trenchcoats and outdoor gloves; aprons; overalls; overcoats; pajamas; pants; sandals; flip-flops; shirts; shoes; slippers; sun visors and caps; sweaters; swimsuits; T-shirts; top hats; top coats; trousers; undergarments; underpants and underwear; fishing vests; waistcoats; and waterproof clothing, namely, waterproof jackets, waterproof coats, waterproof raincoats and waterproof pants; sports clothing, namely, sports singlets, sports T-shirts, sports sweatshirts, sports sweat pants, sports tracksuits, sports jerseys; sports footwear, namely, rubber shoes, training shoes and athletic shoes; after-sports footwear; belts and money belts". Opposer's application for registration No. 3,876,340 was filed on January 23, 2009 and claimed a priority date of July 24, 2008. Said application matured to registration on November 16, 2010.

Copies of Opposer's Certificates of Registration (hereinafter, individually and collectively, "Opposer's Marks") for the aforementioned registrations are attached as Exhibit A.

2. Opposer has used Opposer's Marks extensively, exclusively, and continuously throughout the United States and elsewhere since at least as early as 1983. Opposer has extensively advertised its HUNTER-brand product lines in the United States, and elsewhere. Opposer's goods, including but not limited to boots, footwear and clothing, have been very well received by the consuming public and have been the subject of substantial positive publicity over the years.

3. By virtue of Opposer's extensive use and promotion of Opposer's Marks, and substantial sales of products bearing Opposer's Marks, Opposer has established valuable goodwill in the marks, and the public has come to associate these marks with Opposer. As such, the public has come to know the mark HUNTER in connection with footwear and apparel, as an indication of goods that originate from Opposer.

4. On March 23, 2010, Applicant filed U.S. Trademark Application Serial No. 76/702,199 for the mark HUNTER GIRL (stylized) ("Applicant's Mark") in connection with "clothing, namely, t-shirts, sweat shirts, jackets, shirts, pants, shoes, shorts and gloves; hunting apparel, namely, pants, shirts, jackets, hats, gloves and shoes" in class 25, under section 1(b) of the Trademark Act, 15 U.S.C. § 1051(b).

5. On information and belief, Applicant had not yet commenced use in commerce of Applicant's Mark at the time it filed its application.

6. The dominant part of Applicant's Mark, the word "HUNTER", incorporates Opposer's Marks in whole or in substantial part.

7. The use of the word "GIRL" in Applicant's Mark is descriptive and is likely to be viewed by the consuming public as a sub-brand of Opposer's well-known HUNTER-brand.

8. As a result of the above, Applicant's Mark is highly similar in overall commercial impression to Opposer's Marks.

9. Further, Applicant's goods as described in the Application are in the same class, and are closely related to, if not overlapping with, the goods and services identified in Opposer's Registration Nos. 1,550,244, 2,740,877, and 3,876,340, and with the goods with which Opposer has been using Opposer's Mark for many years prior to the time Applicant filed Application Ser. No. 76/702,199.

10. As a result of the similarity between Opposer's Marks and Applicant's Mark, and the highly related nature of the parties' respective goods and services, Applicant's Mark is likely to cause confusion, mistake or deception in the trade and among purchasers as to the source, origin or sponsorship of the parties' respective goods and services.

11. Pursuant to the allegations stated above, registration of Applicant's Mark shown in the opposed Application will result in damage to Opposer under the provisions of § 2(d) of the Lanham Act, 15 U.S.C. § 1052(d) and § 43(c) of the Lanham Act, 15 U.S.C. § 1125(c).

12. If the Application is permitted to register, the registration would presumptively entitle Applicant to *prima facie* exclusive ownership and rights to Applicant's Mark. Such registration would cause confusion among consumers as to the separate and distinct sources of Applicant's goods and Opposer's goods and the relationship of Opposer to Applicant, thereby damaging Opposer's goodwill in its marks, and resulting in irreparable harm to Opposer's business and reputation, all to the detriment of Opposer, who has expended considerable sums and effort in promoting its marks.

WHEREFORE, Opposer prays that this Opposition be sustained and that registration of U.S. Trademark Application Serial No. 76/702,199 be denied.

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Please direct all notices, pleadings and process regarding this matter to:

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Respectfully submitted,

KILPATRICK TOWNSEND AND STOCKTON LLP

Dated: April 20, 2011

By:   
\_\_\_\_\_  
Margaret C. McHugh  
Tali L. Alban  
*Attorneys for Opposer*

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**CERTIFICATE OF SERVICE**

On April 20, 2011, I served the foregoing **NOTICE OF OPPOSITION** on the party(ies) in said action by depositing a true copy thereof with the United States Postal Service as first class mail, postage prepaid, at San Francisco, California, enclosed in a sealed envelope addressed as follows:

Georgia Pellegrini  
99 Rockland Rd.  
Sparkill, NY 10976-1315

  
Masha M. Martinenko

# **EXHIBIT A**

**Int. Cl.: 25**

**Prior U.S. Cl.: 39**

**Reg. No. 1,550,244**

**United States Patent and Trademark Office**

**Registered Aug. 1, 1989**

**TRADEMARK  
PRINCIPAL REGISTER**

**ROYAL HUNTER**

**GATES RUBBER COMPANY LIMITED, THE  
(UNITED KINGDOM COMPANY)  
HEATHHALL  
EDINBURGH ROAD  
DUMFRIES, SCOTLAND DG1 1QA**

**FIRST USE 3-0-1986; IN COMMERCE  
3-0-1986.**

**SER. NO. 728,056, FILED 5-12-1988.**

**FOR: WEATHERPROOF BOOTS, IN CLASS  
25 (U.S. CL. 39).**

**CHRIS A. F. PEDERSEN, EXAMINING ATTOR-  
NEY**



**Int. Cl.: 25**

**Prior U.S. Cls.: 22 and 39**

**United States Patent and Trademark Office**

**Reg. No. 2,740,877**

**Registered July 29, 2003**

**TRADEMARK  
PRINCIPAL REGISTER**

**HUNTER**

**GATES CORPORATION, THE (DELAWARE CORPORATION)**

**900 SOUTH BROADWAY**

**CURTIS H CASTLEMAN, MAIL STOP 31-4-A3**

**DENVER, CO 80209 , BY ASSIGNMENT GATES  
(U.K.) LIMITED (SCOTLAND CORPORATION)  
DUMFRIES DG1 1QA, SCOTLAND**

**FOR: FOOTWEAR, IN CLASS 25 (U.S. CLS. 22 AND 39).**

**FIRST USE 11-28-1983; IN COMMERCE 11-28-1983.**

**SER. NO. 75-333,011, FILED 7-30-1997.**

**ROBERT C. CLARK JR., EXAMINING ATTORNEY**

# United States of America

United States Patent and Trademark Office

## HUNTER

Reg. No. 3,876,340

Registered Nov. 16, 2010

Int. Cls.: 3, 9, 14, 18, 20,  
21, 24, 25 and 35

TRADEMARK

SERVICE MARK

PRINCIPAL REGISTER

HUNTER BOOT LIMITED (UNITED KINGDOM LIMITED COMPANY)  
36 MELVILLE STREET  
EDINBURGH, SCOTLAND EH3 7HA  
UNITED KINGDOM

FOR: CLEANING, POLISHING, SCOURING AND ABRASIVE PREPARATIONS; SHOE, BOOT AND FOOTWEAR POLISHES; BOOT CREAM; BOOT WAX; SHOE CREAM; SHOE WAX; CLEANING PREPARATIONS FOR SHOES, BOOTS AND FOOTWEAR; SOAPS; FRAGRANCES, TOILET WATERS AND PERFUMERY; COSMETICS; NON-MEDICATED TOILET PREPARATIONS, IN CLASS 3 (U.S. CLS. 1, 4, 6, 50, 51 AND 52).

FOR: PROTECTIVE FOOTWEAR, NAMELY, INDUSTRIAL BOOTS; OUTDOOR BOOTS FOR PROTECTION AGAINST ACCIDENT OR INJURY; SAFETY BOOTS FOR USE IN INDUSTRY; CLOTHING FOR PROTECTION AGAINST ACCIDENT OR INJURY; SAFETY CLOTHING, NAMELY, CLOTHING FOR PROTECTION AGAINST ACCIDENT OR INJURY, EXCEPT RIDING HELMETS; SAFETY GLOVES, NAMELY, GLOVES FOR PROTECTION AGAINST ACCIDENT OR INJURY; DATA STORAGE DEVICES, NAMELY, BLANK OPTICAL DATA CARRIERS AND BLANK MAGNETIC DATA CARRIERS; SUNGLASSES; SPECTACLES, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

FOR: PRECIOUS METALS AND THEIR ALLOYS AND GOODS IN PRECIOUS METALS OR COATED THEREWITH, NOT INCLUDED IN OTHER CLASSES, NAMELY, WATCHES, KEY CHAINS AND KEY FOBs OF PRECIOUS METAL, JEWELLERY, PRECIOUS STONES; KEY RINGS OF PRECIOUS METAL; CUFF LINKS; BOOT AND SHOE ORNAMENTS OF PRECIOUS METAL, IN CLASS 14 (U.S. CLS. 2, 27, 28 AND 50).

FOR: LEATHER AND IMITATIONS OF LEATHER; AND GOODS MADE OF THESE MATERIALS AND NOT INCLUDED IN OTHER CLASSES, NAMELY, LEATHER KEY HOLDERS, LEATHER COVERS FOR PASSPORTS; TRUNKS AND TRAVELLING BAGS; UMBRELLAS; PARASOLS AND WALKING STICKS; LUGGAGE; BRIEFCASES; TRAVEL BAGS; WALLETs; PURSES; WASH BAGS FOR CARRYING TOILETRIES; LEATHER SHOULDER BELTS; SUIT CARRIERS; BACKPACKS; BOOT AND FOOTWEAR BAGS, NAMELY, SHOE BAGS AND BOOT BAGS FOR TRAVEL, IN CLASS 18 (U.S. CLS. 1, 2, 3, 22 AND 41).

FOR: SHOE RACKS; FOOTWEAR RACKS; BOOT RACKS; WELLINGTON BOOT RACKS; STANDS FOR SHOES, FOOTWEAR, BOOTS AND WELLINGTON BOOTS; SLEEPING BAGS; SLEEPING BAGS FOR CAMPING; SLEEPING MATS; CAMPING MATS, NAMELY, SLEEPING MATS, CHAIR MATS; CHAIRS, EXCEPT TOURNAMENT CHAIRS; DECK CHAIRS; CAMPING CHAIRS; PICNIC CHAIRS; FOLDING CHAIRS; PICNIC TABLES; PICNIC FURNITURE; PICNIC HAMPERS; HAMPERS FOR USE AS PICNIC BASKETS; PARTS AND FITTINGS FOR ALL THE AFORESAID GOODS, IN CLASS 20 (U.S. CLS. 2, 13, 22, 25, 32 AND 50).



*David J. Kypas*

Director of the United States Patent and Trademark Office

**Reg. No. 3,876,340** FOR: BRUSHES, NAMELY, SHOE AND BOOT BRUSHES; ARTICLES FOR CLEANING PURPOSES, NAMELY, CLEANING CLOTHS FOR SHOES AND BOOTS; BEVERAGE GLASSWARE; PORCELAIN AND EARTHENWARE NOT INCLUDED IN OTHER CLASSES, NAMELY, PORCELAIN MUGS, PORCELAIN CUPS, EARTHENWARE MUGS, EARTHENWARE CUPS, HIP FLASKS; FLASKS; VACUUM FLASKS; COOL BAGS, NAMELY, PORTABLE COOLERS FOR FOOD, DRINKS AND WINE; COOL BOXES, NAMELY, LUNCH BOXES, PORTABLE COOLERS FOR FOOD, DRINKS AND WINE; PICNIC WARE, NAMELY, DISPOSABLE KNIVES, FORKS AND SPOONS, SERVING FORKS AND SPOONS FOR SALAD, SERVING FORKS AND SPOONS FOR FOOD, BARBEQUE TONGS, GRILL COVERS, FITTED PICNIC BASKETS; PICNIC BOXES, NAMELY, HOUSEHOLD CONTAINERS FOR FOOD-STUFFS; PICNIC CROCKERY, NAMELY, MUGS, CUPS, BOWLS, PLATES, DISHES, EXCEPT FEEDING DISHES FOR ANIMALS, WATERING CANS; MUGS, CUPS, BOOT AND SHOE TREES; BOOT AND SHOE SHAPERS, NAMELY, BOOT TREES, SHOE TREES, BOOT STRETCHERS, SHOE STRETCHERS; BOOT AND SHOE SCRAPERS; BOOT AND SHOE SCRAPERS INCORPORATING BRUSHES; BOOT AND SHOE JACKS; BOOT AND SHOE HORNS; BOOT AND SHOE BRUSHES; CLOTHS FOR CLEANING BOOTS AND SHOES, IN CLASS 21 (U.S. CLS. 2, 13, 23, 29, 30, 33, 40 AND 50).

FOR: TEXTILES AND TEXTILE GOODS, NOT INCLUDED IN OTHER CLASSES, NAMELY, TEXTILE HANG TAGS; HANDKERCHIEFS; TRAVEL RUGS, NAMELY, KNEE RUGS AND LAP RUGS; BLANKETS, NAMELY, WOOLLEN BLANKETS, SILK BLANKETS; LINERS FOR SLEEPING BAGS; FABRIC FOR BOOTS AND SHOES; TEA TOWELS; TOWELS; PICNIC RUGS, NAMELY, TEXTILE PLACE MATS FOR OUTDOOR USE; BLANKETS FOR OUTDOOR USE; KNEE RUGS, NAMELY, LAP ROBES, LAP RUGS, IN CLASS 24 (U.S. CLS. 42 AND 50).

FOR: CLOTHING, NAMELY, SKIRTS, CULOTTES, PANTS, BLOUSES; FOOTWEAR; HEADGEAR, NAMELY, HATS AND CAPS; BOOTS; WELTS FOR BOOTS AND SHOES; NON-SLIPPING DEVICES FOR BOOTS, NAMELY, STUDS FOR BOOTS, STUDS FOR SHOES, OVER SOLES FOR BOOTS AND SHOES; INNER SOLES; HEELS AND SOLES FOR FOOTWEAR; INSOLES FOR BOOTS AND SHOES; LINERS FOR BOOTS AND SHOES; SHAPED BAGS AND POUCHES ADAPTED TO CARRY BOOTS AND SHOES, NAMELY, BAGS FOR WELLINGTON BOOTS, BAGS FOR WATERPROOF BOOTS, BAGS FOR HIKING BOOTS AND BAGS FOR HIKING SHOES; SOCKS; HATS; GLOVES; SCARVES; WATERPROOF FOOTWEAR; GALOSHES; GARTERS; HEADBANDS; JACKETS; JERSEYS; JUMPERS; KNITWEAR, NAMELY, KNITTED GLOVES, JERSEYS, JUMPERS, SWEATERS, CARDIGANS, PULLOVERS, WAISTCOATS AND TANK-TOPS; NECK TIES; OUTER CLOTHING, NAMELY, OUTER JACKETS, OUTER COATS, RAINCOATS, TRENCHCOATS AND OUTDOOR GLOVES; APRONS; OVERALLS; OVERCOATS; PAJAMAS; PANTS; SANDALS; FLIP-FLOPS; SHIRTS; SHOES; SLIPPERS; SUN VISORS AND CAPS; SWEATERS; SWIMSUITS; T-SHIRTS; TOP HATS; TOP COATS; TROUSERS; UNDERGARMENTS; UNDERPANTS AND UNDERWEAR; FISHING VESTS; WAISTCOATS; AND WATERPROOF CLOTHING, NAMELY, WATERPROOF JACKETS, WATERPROOF COATS, WATERPROOF RAINCOATS AND WATERPROOF PANTS; SPORTS CLOTHING, NAMELY, SPORTS SINGLET, SPORTS T-SHIRTS, SPORTS SWEATSHIRTS, SPORTS SWEAT PANTS, SPORTS TRACKSUITS, SPORTS JERSEYS; SPORTS FOOTWEAR, NAMELY, RUBBER SHOES, TRAINING SHOES AND ATHLETIC SHOES; AFTER-SPORTS FOOTWEAR; BELTS AND MONEY BELTS, IN CLASS 25 (U.S. CLS. 22 AND 39).

FOR: RETAIL STORE SERVICES, RETAIL OUTLETS, ONLINE RETAIL STORE SERVICES FEATURING GIFTS, CLEANING, POLISHING, SCOURING AND ABRASIVE PREPARATIONS, SHOE, BOOT AND FOOTWEAR POLISHES, BOOT CREAM, BOOT WAX, SHOE CREAM, SHOE WAX, CLEANING PREPARATIONS FOR SHOES, BOOTS AND FOOTWEAR, SOAPS, FRAGRANCES, TOILET WATERS AND PERFUMERY, COSMETICS, NON-MEDICATED TOILET PREPARATIONS, BOOTS FOR USE AS PROTECTIVE FOOTWEAR, OUTDOOR BOOTS FOR PROTECTION AGAINST ACCIDENT OR INJURY, SAFETY BOOTS FOR USE IN INDUSTRY, CLOTHING FOR PROTECTION AGAINST ACCIDENT OR INJURY, SAFETY CLOTHING, EXCEPT RIDING HELMETS, SAFETY GLOVES, DATA STORAGE

**Reg. No. 3,876,340** DEVICES, SUNGLASSES, SPECTACLES, JEWELLERY, PRECIOUS STONES, KEY RINGS, CUFF LINKS, BOOT AND SHOE ORNAMENTS OF PRECIOUS METAL, PRINTED MATTER AND STATIONERY, PENS, PENCILS, WRITING INSTRUMENTS, LEATHER AND IMITATIONS OF LEATHER, TRUNKS AND TRAVELLING BAGS, UMBRELLAS, PARASOLS AND WALKING STICKS, LUGGAGE, BRIEFCASES, TRAVEL BAGS, WALLETS, PURSES, WASH BAGS, BELTS, LEATHER COVERS FOR PASSPORTS, SUIT CARRIERS, BACKPACKS, LEATHER GLOVES, BOOT AND FOOTWEAR BAGS, SHOE RACKS, FOOTWEAR RACKS, BOOT RACKS, WELLINGTON BOOT RACKS, STANDS FOR SHOES, FOOTWEAR, BOOTS AND WELLINGTON BOOTS, SLEEPING BAGS, SLEEPING BAGS FOR CAMPING, SLEEPING MATS, CAMPING MATS, CHAIRS, EXCEPT TOURNAMENT CHAIRS, DECK-CHAIRS, CAMPING CHAIRS, PICNIC CHAIRS, FOLDING CHAIRS, PICNIC TABLES, PICNIC FURNITURE, PICNIC HAMPERS, PICNIC HAMPER BASKETS, HOUSEHOLD OR KITCHEN UTENSILS AND CONTAINERS; SHOE AND BOOT BRUSHES, ARTICLES FOR CLEANING PURPOSES, NAMELY, CLEANING CLOTHS FOR SHOES AND BOOTS, GLASSWARE, PORCELAIN AND EARTHENWARE, EXCEPT FEEDING DISHES FOR ANIMALS, HIP FLASKS, FLASKS, VACUUM FLASKS, COOL BAGS, COOL BOXES, PICNIC WARE, FITTED PICNIC BASKETS, PICNIC BOXES, PICNIC CROCKERY, PICNIC UTENSILS, COOKING UTENSILS FOR USE WITH BARBECUES, HAND IMPLEMENTS FOR USE IN BARBECUE COOKING, WATERING CANS, MUGS, CUPS, CROCKERY, BOOT AND SHOE TREES, BOOT AND SHOE SHAPERS, BOOT AND SHOE SCRAPERS, BOOT AND SHOE SCRAPERS INCORPORATING BRUSHES, BOOT AND SHOE JACKS, BOOT AND SHOE HORNS, BOOT AND SHOE BRUSHES, CLOTHS FOR CLEANING BOOTS AND SHOES, TENTS, AWNINGS, TARPAULINS, TEXTILES AND TEXTILE GOODS, HANDKERCHIEFS, TRAVEL RUGS, BLANKETS, LINERS FOR SLEEPING BAGS, FABRIC FOR BOOTS AND SHOES, TEA TOWELS, TOWELS, PICNIC RUGS, CLOTHING, FOOTWEAR, HEADGEAR, BOOTS, WELTS FOR BOOTS AND SHOES, NON-SLIPPING DEVICES FOR BOOTS, INNER SOLES, HEELS AND SOLES FOR FOOTWEAR, INSOLES FOR BOOTS AND SHOES, LINERS FOR BOOTS AND SHOES, BAGS AND POUCHES ADAPTED TO CARRY BOOTS AND SHOES, SOCKS, HATS, GLOVES, SCARVES, WATERPROOF FOOTWEAR, GALOSHES, GARTERS, HEADBANDS, JACKETS, JERSEYS, JUMPERS, KNITWEAR, NECK TIES, OUTER CLOTHING, APRONS, OVERALLS, OVERCOATS, PAJAMAS, PANTS, SANDALS, FLIP-FLOPS, SHIRTS, SHOES, SLIPPERS, SUN VISORS AND CAPS, SWEATERS, SWIMSUITS, T-SHIRTS, TOP HATS, TOP COATS, TROUSERS, UNDERCLOTHING, UNDERPANTS AND UNDERWEAR, FISHING VESTS, WAISTCOATS AND WATERPROOF CLOTHING, SPORTS CLOTHING, SPORTS FOOTWEAR, AFTER-SPORTS FOOTWEAR, BELTS AND MONEY BELTS, MATS, DOORMATS, MATTING, RUGS, TOYS, EXCEPT TOYS FOR DOMESTIC PETS AND TOYS FOR DOMESTIC DOGS, GAMES, PLAYTHINGS, OUTDOOR GAMES, OUTDOOR PUZZLES, GYMNASTIC AND SPORTING EQUIPMENT EXCEPT GYMNASTIC AND SPORTING EQUIPMENT FOR USE WITH ANIMALS, INFORMATION, ADVISORY AND CONSULTANCY SERVICES, IN THE FIELD OF THE AFORESAID RETAIL SERVICES, IN CLASS 35 (U.S. CLS. 100, 101 AND 102).

OWNER OF U.S. REG. NOS. 1,550,244 AND 2,740,877.

PRIORITY DATE OF 7-24-2008 IS CLAIMED.

OWNER OF INTERNATIONAL REGISTRATION 0993373 DATED 1-23-2009, EXPIRES 1-23-2019.

THE COLOR(S) RED, BLACK AND WHITE IS/ARE CLAIMED AS A FEATURE OF THE MARK.

THE MARK CONSISTS OF THE WORD "HUNTER" APPEARING IN BLACK INSIDE A RED RECTANGLE BORDER WITH A WHITE BACKGROUND.

SEC. 2(F).

SER. NO. 79-065,344, FILED 1-23-2009.

**Reg. No. 3,876,340** SAIMA MAKHDOOM, EXAMINING ATTORNEY

## **Exhibit B**

**IN THE UNITED STATES AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

<b>HUNTER BOOT LIMITED,</b>	)	<b>Opposition No. 91199529</b>
	)	
<b>Opposer,</b>	)	<b>Mark: GIRL HUNTER</b>
	)	
<b>vs.</b>	)	<b>Serial No. 76702199</b>
	)	
<b>GEORGIA PELLEGRINI MEDIA GROUP, LLC,</b>	)	
	)	
<b>Applicant.</b>	)	
	)	

## **ANSWER TO NOTICE OF OPPOSITION WITH AFFIRMATIVE DEFENSES**

Applicant, Georgia Pellegrini Media Group, LLC, hereby submits its Answer to the Notice of Opposition filed by Opposers, Hunter Boot Limited as follows, with the following numbered Paragraphs corresponding to the numbers of Paragraphs of the Notice of Opposition under the headings used in the Notice of Opposition:

1 a. Applicant admits that Hunter Boot Limited is shown as the owner of Reg. No.: 1,550,244 in the records of the U.S. Patent and Trademark Office. Applicant is without sufficient knowledge or information sufficient to form a belief as to the remainder of Paragraph 1a and therefore denies the same.

1 b. Applicant admits that Hunter Boot Limited is shown as the owner of Reg. No.: 2,740,877 in the records of the U.S. Patent and Trademark Office. Applicant is



05-16-2011

without sufficient knowledge or information sufficient to form a belief as to the remainder of Paragraph 1b and therefore denies the same.

1 c. Applicant admits that Hunter Boot Limited is shown as the owner of Reg. No.: 3,876,340 in the records of the U.S. Patent and Trademark Office. Applicant is without sufficient knowledge or information sufficient to form a belief as to the remainder of Paragraph 1c and therefore denies the same.

2. Applicant is without sufficient knowledge or information sufficient to form a belief as to Paragraph 2 and therefore denies the same.

3. Applicant is without sufficient knowledge or information sufficient to form a belief as to Paragraph 3 and therefore denies the same. Moreover, Applicant states the word "Hunter" is so diluted even with regard to clothing products that no single entity should have exclusive rights to that word, especially when not used with authentic hunting clothes, and accessories.

4. Applicant denies the allegations of Paragraph 4. Applicant did not apply for the mark HUNTER GIRL, but rather for the mark GIRL HUNTER (stylized).

5. Applicant denies the allegations of Paragraph 5. Applicant used the mark in commerce dating back to early 2009, evidence of which was provided to the examining attorney.

6. Applicant denies that any part of the mark is dominant over the other as stated in Paragraph 6. Applicant admits that both parties are using the common and widely used word "Hunter" in their mark.

7. Applicant denies the allegations of Paragraph 7.

8. Applicant denies the allegations of Paragraph 8.



9. Applicant denies any similarity in the style, aesthetic or branding of the products as stated in Paragraph 9. Applicant admits their mark is in class 25.

10. Applicant denies allegations of Paragraph 10. Applicant states that due to the high profile nature of Applicant, and the extensive use of the “Girl Hunter” brand, both in TV, books, website, and clothing, there would be no confusion.

11. Applicant denies the allegations of Paragraph 11.

12. Applicant denies the allegations of Paragraph 12.

As and for Affirmative Defenses, Applicant states as follows:

#### **FIRST AFFIRMATIVE DEFENSE**

As and for a First Affirmative Defense, Applicant points out that the Examining Attorney, who’s view is widely considered the most conservative view, *did not cite a single mark* against the applicant in reviewing and approving the trademark application

#### **SECOND AFFIRMATIVE DEFENSE**

The word “Hunter” is so diluted even with regard to clothing products, that no single entity should have exclusive rights to that word, especially when not used with true hunting gear or clothing for hunters. See, for example, the following registrations of marks including the word “Hunter” for clothing, hunting apparel, and outdoor accessories:

Trademark Serial Number:

<b>77681858</b>	<b>WOMAN HUNTER</b>
<b>74606841</b>	<b>GRAND HUNTER</b>
<b>76353804</b>	<b>HAROLD HUNTER</b>
<b>76668093</b>	<b>HORNY HUNTER</b>
<b>74019013</b>	<b>MOUNTAIN HUNTER</b>
<b>74315245</b>	<b>BOUNTY HUNTER</b>
<b>78299179</b>	<b>BOUNTY HUNTER BUFFALO</b>
<b>77691982</b>	<b>HUNTER</b>
<b>75333011</b>	<b>HUNTER</b>
<b>78798889</b>	<b>HUNTER</b>
<b>74480205</b>	<b>HUNTER &amp; LORDS</b>
<b>76606985</b>	<b>HUNTER COLLEGE</b>
<b>76606986</b>	<b>HUNTER COLLEGE HAWKS</b>
<b>78801825</b>	<b>HUNTER CREEK HATTING &amp; CO</b>
<b>75684800</b>	<b>HUNTERS BAY</b>
<b>75057262</b>	<b>HUNTERS CHOICE</b>
<b>77274253</b>	<b>HUNTERS EDGE</b>
<b>76686952</b>	<b>HUNTERS FOOT</b>
<b>78929087</b>	<b>HUNTERS PEAK</b>
<b>77380399</b>	<b>HUNTERS NIGHTCLUBS</b>
<b>73324527</b>	<b>HUNTERS RUN</b>

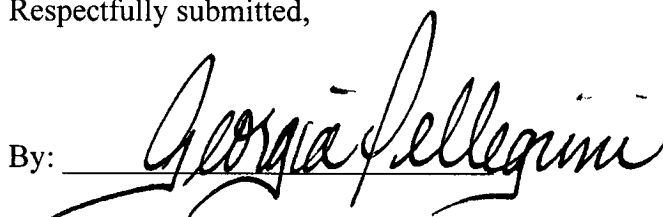
### **THIRD AFFIRMATIVE DEFENSE**

Applicant is a widely known public figure, who is often referred to publicly as "Girl Hunter," rather than by her real name. Applicant has a worldwide published book arriving in stores in Fall 2011 with the title "Girl Hunter." A Google search of both "Girl Hunter" and "The Girl Hunter" produce the Applicant's name and website in the top two results. Applicant's own website receives 2 million hits per month, which establishes her significant public influence. Those fans have purchased clothing with the GIRL HUNTER mark on it dating back to early 2009. Applicant has a television show currently in pre-production with the name "Girl Hunter."

WHEREFORE, Applicant respectfully requests that the Notice of Opposition be rejected and that Applicant's mark be allowed to proceed to registration.

Respectfully submitted,

By: \_\_\_\_\_

A handwritten signature in black ink, reading "Georgia Pellegrini", written over a horizontal line.

Georgia Pellegrini  
GEORGIA PELLEGRINI MEDIA GROUP, LLC  
99 Rockland Rd.  
Sparkill, NY 10976-1315  
Telephone: (845) 729-7507  
Facsimile: (415) 520-5639

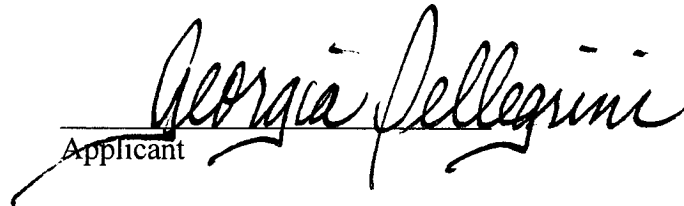
**CERTIFICATE OF SERVICE**

I hereby certify that the above and foregoing Answer to Notice of Opposition with Affirmative Defenses was served upon Opposers by depositing a copy of same in United States Mail, first class postage prepaid on this 12<sup>th</sup> Day of May, 2011, addressed to:

Margaret C. McHugh, Esq.  
Tali L. Alban, Esq.  
Kilpatrick Townsend and Stockton LLP  
Two Embarcadero Center, 8<sup>th</sup> Floor  
San Francisco, CA 94111-3834

Attorneys for Opposers

Applicant

A handwritten signature in cursive script, reading "Georgia Pellegri", is written over a horizontal line. The signature is in black ink and is positioned to the right of the word "Applicant".

## **Exhibit C**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

*In re* Application No. 76/702,199

Filed: March 23, 2010

Published: December 21, 2010 in the Official Gazette

For: **GIRL HUNTER (Stylized)**

HUNTER BOOT LIMITED,

Opposer,

vs.

GEORGIA PELLEGRINI MEDIA GROUP, LLC,

Applicant.

Opposition No. 91199529

**AMENDED NOTICE OF  
OPPOSITION**

**UNITED STATES PATENT AND TRADEMARK OFFICE**

Trademark Trial and Appeal Board

P.O. Box 1451

Alexandria, Virginia 22313-1451

Dear Madam:

HUNTER BOOT LIMITED, a United Kingdom Limited Liability Company, located at 36 Melville Street, Edinburgh, Scotland EH3 7HA, and doing business in the United States, believes that it will be damaged by the registration in International Class 25 of the mark GIRL HUNTER (stylized), as shown in Application Serial No. 76/702,199 filed by Georgia Pellegrini Media Group, LLC. ("Applicant"), a New York Limited Liability Company, with a mailing

address at 99 Rockland Road, Sparkill, New York 10976, and published in the Official Gazette of December 21, 2010, and hereby opposes registration thereof.

As grounds for opposition, Hunter Boot Limited alleges:

1. Hunter Boot Limited ("Opposer") is the owner of the following U.S. registrations:
  - a. No. 1,550,244, for the mark ROYAL HUNTER in class 25 for "weatherproof boots". Opposer's application for this registration was filed on May 12, 1988, based on use in commerce since at least as early as March, 1986, and matured to registration on August 1, 1989;
  - b. No. 2,740,877 for the mark HUNTER for "footwear" in class 25. Opposer's application for registration No. 2,740,877 was filed on July 30, 1997, based on use in commerce since at least as early as November 28, 1983, and matured to registration on July 29, 2003; and
  - c. No. 3,876,340 also for the mark HUNTER & Design, which covers a variety of goods and services in classes 3, 9, 14, 18, 20, 21, 24, and 25. The goods identified in class 25 include: "Clothing, namely, skirts, culottes, pants, blouses; footwear; headgear, namely, hats and caps; boots; welts for boots and shoes; non-slipping devices for boots, namely, studs for boots, studs for shoes, over soles for boots and shoes; inner soles; heels and soles for footwear; insoles for boots and shoes; liners for boots and shoes; shaped bags and pouches adapted to carry boots and shoes, namely, bags for Wellington boots, bags for waterproof boots, bags for hiking boots and bags for hiking shoes; socks; hats; gloves; scarves; waterproof footwear; galoshes; garters; headbands; jackets; jerseys; jumpers; knitwear, namely, knitted gloves,

jerseys, jumpers, sweaters, cardigans, pullovers, waistcoats and tank-tops; neck ties; outer clothing, namely, outer jackets, outer coats, raincoats, trenchcoats and outdoor gloves; aprons; overalls; overcoats; pajamas; pants; sandals; flip-flops; shirts; shoes; slippers; sun visors and caps; sweaters; swimsuits; T-shirts; top hats; top coats; trousers; undergarments; underpants and underwear; fishing vests; waistcoats; and waterproof clothing, namely, waterproof jackets, waterproof coats, waterproof raincoats and waterproof pants; sports clothing, namely, sports singlets, sports T-shirts, sports sweatshirts, sports sweat pants, sports tracksuits, sports jerseys; sports footwear, namely, rubber shoes, training shoes and athletic shoes; after-sports footwear; belts and money belts". Opposer's application for registration No. 3,876,340 was filed on January 23, 2009 and claimed a priority date of July 24, 2008. Said application matured to registration on November 16, 2010.

Copies of Opposer's Certificates of Registration (hereinafter, individually and collectively, "Opposer's Marks") for the aforementioned registrations are attached as Exhibit A.

2. Opposer has used Opposer's Marks extensively, exclusively, and continuously throughout the United States and elsewhere since at least as early as 1983. Opposer has extensively advertised its HUNTER-brand product lines in the United States, and elsewhere. Opposer's goods, including but not limited to boots, footwear and clothing, have been very well received by the consuming public and have been the subject of substantial positive publicity over the years.



3. By virtue of Opposer's extensive use and promotion of Opposer's Marks, and substantial sales of products bearing Opposer's Marks, Opposer has established valuable goodwill in the marks, and the public has come to associate these marks with Opposer. As such, the public has come to know the mark HUNTER in connection with footwear and apparel, as an indication of goods that originate from Opposer.

4. On March 23, 2010, Applicant filed U.S. Trademark Application Serial No. 76/702,199 for the mark HUNTER GIRL (stylized) ("Applicant's Mark") in connection with "clothing, namely, t-shirts, sweat shirts, jackets, shirts, pants, shoes, shorts and gloves; hunting apparel, namely, pants, shirts, jackets, hats, gloves and shoes" in class 25, under section 1(b) of the Trademark Act, 15 U.S.C. § 1051(b).

5. On information and belief, Applicant had not yet commenced use in commerce of Applicant's Mark at the time it filed its application.

6. The dominant part of Applicant's Mark, the word "HUNTER", incorporates Opposer's Marks in whole or in substantial part.

7. The use of the word "GIRL" in Applicant's Mark is descriptive and is likely to be viewed by the consuming public as a sub-brand of Opposer's well-known HUNTER-brand.

8. As a result of the above, Applicant's Mark is highly similar in overall commercial impression to Opposer's Marks.

9. Further, Applicant's goods as described in the Application are in the same class, and are closely related to, if not overlapping with, the goods and services identified in Opposer's Registration Nos. 1,550,244, 2,740,877, and 3,876,340, and with the goods with which Opposer has been using Opposer's Mark for many years prior to the time Applicant filed Application Ser. No. 76/702,199.

10. As a result of the similarity between Opposer's Marks and Applicant's Mark, and the highly related nature of the parties' respective goods and services, Applicant's Mark is likely to cause confusion, mistake or deception in the trade and among purchasers as to the source, origin or sponsorship of the parties' respective goods and services.

11. Pursuant to the allegations stated above, registration of Applicant's Mark shown in the opposed Application will result in damage to Opposer under the provisions of § 2(d) of the Lanham Act, 15 U.S.C. § 1052(d).

12. If the Application is permitted to register, the registration would presumptively entitle Applicant to *prima facie* exclusive ownership and rights to Applicant's Mark. Such registration would cause confusion among consumers as to the separate and distinct sources of Applicant's goods and Opposer's goods and the relationship of Opposer to Applicant, thereby damaging Opposer's goodwill in its marks, and resulting in irreparable harm to Opposer's business and reputation, all to the detriment of Opposer, who has expended considerable sums and effort in promoting its marks.

WHEREFORE, Opposer prays that this Opposition be sustained and that registration of U.S. Trademark Application Serial No. 76/702,199 be denied.

///

///

///


Please direct all notices, pleadings and process regarding this matter to:

Margaret C. McHugh, Esq.  
Tali L. Alban, Esq.  
Kilpatrick Townsend and Stockton LLP  
Two Embarcadero Center, 8th Floor  
San Francisco, CA 94111-3834  
Telephone: (415) 576-0200  
Facsimile: (415) 576-0300  
Email: mmchugh@kilpatricktownsend.com, tlalban@kilpatricktownsend.com

Respectfully submitted,

KILPATRICK TOWNSEND AND STOCKTON LLP

Dated: June 28, 2011

By:   
Margaret C. McHugh  
Tali L. Alban  
*Attorneys for Opposer*

Two Embarcadero Center, 8th Floor  
San Francisco, CA 94111-3834  
Telephone: (415) 576-0200  
Facsimile: (415) 576-0300  
Email: mmchugh@kilpatricktownsend.com; tlalban@kilpatricktownsend.com

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**CERTIFICATE OF SERVICE**

On June 28, 2011, I served the foregoing **AMENDED NOTICE OF OPPOSITION** on the party(ies) in said action by depositing a true copy thereof with the United States Postal Service as first class mail, postage prepaid, at San Francisco, California, enclosed in a sealed envelope addressed as follows:

Georgia Pellegrini  
99 Rockland Rd.  
Sparkill, NY 10976-1315

  
\_\_\_\_\_  
Audrey Schlette

# **EXHIBIT A**

**Int. Cl.: 25**

**Prior U.S. Cl.: 39**

**Reg. No. 1,550,244**

**United States Patent and Trademark Office**

**Registered Aug. 1, 1989**

**TRADEMARK  
PRINCIPAL REGISTER**

**ROYAL HUNTER**

**GATES RUBBER COMPANY LIMITED, THE  
(UNITED KINGDOM COMPANY)  
HEATHHALL  
EDINBURGH ROAD  
DUMFRIES, SCOTLAND DG1 1QA**

**FIRST USE 3-0-1986; IN COMMERCE  
3-0-1986.**

**SER. NO. 728,056, FILED 5-12-1988.**

**FOR: WEATHERPROOF BOOTS, IN CLASS  
25 (U.S. CL. 39).**

**CHRIS A. F. PEDERSEN, EXAMINING ATTOR-  
NEY**

**Int. Cl.: 25**

**Prior U.S. Cls.: 22 and 39**

**United States Patent and Trademark Office**

**Reg. No. 2,740,877**

**Registered July 29, 2003**

**TRADEMARK  
PRINCIPAL REGISTER**

**HUNTER**

**GATES CORPORATION, THE (DELAWARE CORPORATION)**

**900 SOUTH BROADWAY**

**CURTIS H CASTLEMAN, MAIL STOP 31-4-A3**

**DENVER, CO 80209 , BY ASSIGNMENT GATES  
(U.K.) LIMITED (SCOTLAND CORPORATION)  
DUMFRIES DG1 1QA, SCOTLAND**

**FOR: FOOTWEAR, IN CLASS 25 (U.S. CLS. 22 AND 39).**

**FIRST USE 11-28-1983; IN COMMERCE 11-28-1983.**

**SER. NO. 75-333,011, FILED 7-30-1997.**

**ROBERT C. CLARK JR., EXAMINING ATTORNEY**

# United States of America

United States Patent and Trademark Office

## HUNTER

Reg. No. 3,876,340

Registered Nov. 16, 2010

Int. Cls.: 3, 9, 14, 18, 20,  
21, 24, 25 and 35

TRADEMARK

SERVICE MARK

PRINCIPAL REGISTER

HUNTER BOOT LIMITED (UNITED KINGDOM LIMITED COMPANY)  
36 MELVILLE STREET  
EDINBURGH, SCOTLAND EH3 7HA  
UNITED KINGDOM

FOR: CLEANING, POLISHING, SCOURING AND ABRASIVE PREPARATIONS; SHOE, BOOT AND FOOTWEAR POLISHES; BOOT CREAM; BOOT WAX; SHOE CREAM; SHOE WAX; CLEANING PREPARATIONS FOR SHOES, BOOTS AND FOOTWEAR; SOAPS; FRAGRANCES, TOILET WATERS AND PERFUMERY; COSMETICS; NON-MEDICATED TOILET PREPARATIONS, IN CLASS 3 (U.S. CLS. 1, 4, 6, 50, 51 AND 52).

FOR: PROTECTIVE FOOTWEAR, NAMELY, INDUSTRIAL BOOTS; OUTDOOR BOOTS FOR PROTECTION AGAINST ACCIDENT OR INJURY; SAFETY BOOTS FOR USE IN INDUSTRY; CLOTHING FOR PROTECTION AGAINST ACCIDENT OR INJURY; SAFETY CLOTHING, NAMELY, CLOTHING FOR PROTECTION AGAINST ACCIDENT OR INJURY, EXCEPT RIDING HELMETS; SAFETY GLOVES, NAMELY, GLOVES FOR PROTECTION AGAINST ACCIDENT OR INJURY; DATA STORAGE DEVICES, NAMELY, BLANK OPTICAL DATA CARRIERS AND BLANK MAGNETIC DATA CARRIERS; SUNGLASSES; SPECTACLES, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

FOR: PRECIOUS METALS AND THEIR ALLOYS AND GOODS IN PRECIOUS METALS OR COATED THEREWITH, NOT INCLUDED IN OTHER CLASSES, NAMELY, WATCHES, KEY CHAINS AND KEY FOBS OF PRECIOUS METAL, JEWELLERY, PRECIOUS STONES; KEY RINGS OF PRECIOUS METAL; CUFF LINKS; BOOT AND SHOE ORNAMENTS OF PRECIOUS METAL, IN CLASS 14 (U.S. CLS. 2, 27, 28 AND 50).

FOR: LEATHER AND IMITATIONS OF LEATHER; AND GOODS MADE OF THESE MATERIALS AND NOT INCLUDED IN OTHER CLASSES, NAMELY, LEATHER KEY HOLDERS, LEATHER COVERS FOR PASSPORTS; TRUNKS AND TRAVELLING BAGS; UMBRELLAS; PARASOLS AND WALKING STICKS; LUGGAGE; BRIEFCASES; TRAVEL BAGS; WALLETS; PURSES; WASH BAGS FOR CARRYING TOILETRIES; LEATHER SHOULDER BELTS; SUIT CARRIERS; BACKPACKS; BOOT AND FOOTWEAR BAGS, NAMELY, SHOE BAGS AND BOOT BAGS FOR TRAVEL, IN CLASS 18 (U.S. CLS. 1, 2, 3, 22 AND 41).

FOR: SHOE RACKS; FOOTWEAR RACKS; BOOT RACKS; WELLINGTON BOOT RACKS; STANDS FOR SHOES, FOOTWEAR, BOOTS AND WELLINGTON BOOTS; SLEEPING BAGS; SLEEPING BAGS FOR CAMPING; SLEEPING MATS; CAMPING MATS, NAMELY, SLEEPING MATS, CHAIR MATS; CHAIRS, EXCEPT TOURNAMENT CHAIRS; DECK CHAIRS; CAMPING CHAIRS; PICNIC CHAIRS; FOLDING CHAIRS; PICNIC TABLES; PICNIC FURNITURE; PICNIC HAMPERS; HAMPERS FOR USE AS PICNIC BASKETS; PARTS AND FITTINGS FOR ALL THE AFORESAID GOODS, IN CLASS 20 (U.S. CLS. 2, 13, 22, 25, 32 AND 50).



*David J. Kypas*

Director of the United States Patent and Trademark Office



**Reg. No. 3,876,340** FOR: BRUSHES, NAMELY, SHOE AND BOOT BRUSHES; ARTICLES FOR CLEANING PURPOSES, NAMELY, CLEANING CLOTHS FOR SHOES AND BOOTS; BEVERAGE GLASSWARE; PORCELAIN AND EARTHENWARE NOT INCLUDED IN OTHER CLASSES, NAMELY, PORCELAIN MUGS, PORCELAIN CUPS, EARTHENWARE MUGS, EARTHENWARE CUPS, HIP FLASKS; FLASKS; VACUUM FLASKS; COOL BAGS, NAMELY, PORTABLE COOLERS FOR FOOD, DRINKS AND WINE; COOL BOXES, NAMELY, LUNCH BOXES, PORTABLE COOLERS FOR FOOD, DRINKS AND WINE; PICNIC WARE, NAMELY, DISPOSABLE KNIVES, FORKS AND SPOONS, SERVING FORKS AND SPOONS FOR SALAD, SERVING FORKS AND SPOONS FOR FOOD, BARBEQUE TONGS, GRILL COVERS; FITTED PICNIC BASKETS; PICNIC BOXES, NAMELY, HOUSEHOLD CONTAINERS FOR FOOD-STUFFS; PICNIC CROCKERY, NAMELY, MUGS, CUPS, BOWLS, PLATES, DISHES, EXCEPT FEEDING DISHES FOR ANIMALS, WATERING CANS; MUGS, CUPS, BOOT AND SHOE TREES; BOOT AND SHOE SHAPERS, NAMELY, BOOT TREES, SHOE TREES, BOOT STRETCHERS, SHOE STRETCHERS; BOOT AND SHOE SCRAPERS; BOOT AND SHOE SCRAPERS INCORPORATING BRUSHES; BOOT AND SHOE JACKS; BOOT AND SHOE HORNS; BOOT AND SHOE BRUSHES; CLOTHS FOR CLEANING BOOTS AND SHOES, IN CLASS 21 (U.S. CLS. 2, 13, 23, 29, 30, 33, 40 AND 50).

FOR: TEXTILES AND TEXTILE GOODS, NOT INCLUDED IN OTHER CLASSES, NAMELY, TEXTILE HANG TAGS; HANDKERCHIEFS; TRAVEL RUGS, NAMELY, KNEE RUGS AND LAP RUGS; BLANKETS, NAMELY, WOOLLEN BLANKETS, SILK BLANKETS; LINERS FOR SLEEPING BAGS; FABRIC FOR BOOTS AND SHOES; TEA TOWELS; TOWELS; PICNIC RUGS, NAMELY, TEXTILE PLACE MATS FOR OUTDOOR USE; BLANKETS FOR OUTDOOR USE; KNEE RUGS, NAMELY, LAP ROBES, LAP RUGS, IN CLASS 24 (U.S. CLS. 42 AND 50).

FOR: CLOTHING, NAMELY, SKIRTS, CULOTTES, PANTS, BLOUSES; FOOTWEAR; HEADGEAR, NAMELY, HATS AND CAPS; BOOTS; WELTS FOR BOOTS AND SHOES; NON-SLIPPING DEVICES FOR BOOTS, NAMELY, STUDS FOR BOOTS, STUDS FOR SHOES, OVER SOLES FOR BOOTS AND SHOES; INNER SOLES; HEELS AND SOLES FOR FOOTWEAR; INSOLES FOR BOOTS AND SHOES; LINERS FOR BOOTS AND SHOES; SHAPED BAGS AND POUCHES ADAPTED TO CARRY BOOTS AND SHOES, NAMELY, BAGS FOR WELLINGTON BOOTS, BAGS FOR WATERPROOF BOOTS, BAGS FOR HIKING BOOTS AND BAGS FOR HIKING SHOES; SOCKS; HATS; GLOVES; SCARVES; WATERPROOF FOOTWEAR; GALOSHES; GARTERS; HEADBANDS; JACKETS; JERSEYS; JUMPERS; KNITWEAR, NAMELY, KNITTED GLOVES, JERSEYS, JUMPERS, SWEATERS, CARDIGANS, PULLOVERS, WAISTCOATS AND TANK-TOPS; NECK TIES; OUTER CLOTHING, NAMELY, OUTER JACKETS, OUTER COATS, RAINCOATS, TRENCHCOATS AND OUTDOOR GLOVES; APRONS; OVERALLS; OVERCOATS; PAJAMAS; PANTS; SANDALS; FLIP-FLOPS; SHIRTS; SHOES; SLIPPERS; SUN VISORS AND CAPS; SWEATERS; SWIMSUITS; T-SHIRTS; TOP HATS; TOP COATS; TROUSERS; UNDERGARMENTS; UNDERPANTS AND UNDERWEAR; FISHING VESTS; WAISTCOATS; AND WATERPROOF CLOTHING, NAMELY, WATERPROOF JACKETS, WATERPROOF COATS, WATERPROOF RAINCOATS AND WATERPROOF PANTS; SPORTS CLOTHING, NAMELY, SPORTS SINGLET, SPORTS T-SHIRTS, SPORTS SWEATSHIRTS, SPORTS SWEAT PANTS, SPORTS TRACKSUITS, SPORTS JERSEYS; SPORTS FOOTWEAR, NAMELY, RUBBER SHOES, TRAINING SHOES AND ATHLETIC SHOES; AFTER-SPORTS FOOTWEAR; BELTS AND MONEY BELTS, IN CLASS 25 (U.S. CLS. 22 AND 39).

FOR: RETAIL STORE SERVICES, RETAIL OUTLETS, ONLINE RETAIL STORE SERVICES FEATURING GIFTS, CLEANING, POLISHING, SCOURING AND ABRASIVE PREPARATIONS, SHOE, BOOT AND FOOTWEAR POLISHES, BOOT CREAM, BOOT WAX, SHOE CREAM, SHOE WAX, CLEANING PREPARATIONS FOR SHOES, BOOTS AND FOOTWEAR, SOAPS, FRAGRANCES, TOILET WATERS AND PERFUMERY, COSMETICS, NON-MEDICATED TOILET PREPARATIONS, BOOTS FOR USE AS PROTECTIVE FOOTWEAR, OUTDOOR BOOTS FOR PROTECTION AGAINST ACCIDENT OR INJURY, SAFETY BOOTS FOR USE IN INDUSTRY, CLOTHING FOR PROTECTION AGAINST ACCIDENT OR INJURY, SAFETY CLOTHING, EXCEPT RIDING HELMETS, SAFETY GLOVES, DATA STORAGE

**Reg. No. 3,876,340** DEVICES, SUNGLASSES, SPECTACLES, JEWELLERY, PRECIOUS STONES, KEY RINGS, CUFF LINKS, BOOT AND SHOE ORNAMENTS OF PRECIOUS METAL, PRINTED MATTER AND STATIONERY, PENS, PENCILS, WRITING INSTRUMENTS, LEATHER AND IMITATIONS OF LEATHER, TRUNKS AND TRAVELLING BAGS, UMBRELLAS, PARASOLS AND WALKING STICKS, LUGGAGE, BRIEFCASES, TRAVEL BAGS, WALLETS, PURSES, WASH BAGS, BELTS, LEATHER COVERS FOR PASSPORTS, SUIT CARRIERS, BACKPACKS, LEATHER GLOVES, BOOT AND FOOTWEAR BAGS, SHOE RACKS, FOOTWEAR RACKS, BOOT RACKS, WELLINGTON BOOT RACKS, STANDS FOR SHOES, FOOTWEAR, BOOTS AND WELLINGTON BOOTS, SLEEPING BAGS, SLEEPING BAGS FOR CAMPING, SLEEPING MATS, CAMPING MATS, CHAIRS, EXCEPT TOURNAMENT CHAIRS, DECK-CHAIRS, CAMPING CHAIRS, PICNIC CHAIRS, FOLDING CHAIRS, PICNIC TABLES, PICNIC FURNITURE, PICNIC HAMPERS, PICNIC HAMPER BASKETS, HOUSEHOLD OR KITCHEN UTENSILS AND CONTAINERS; SHOE AND BOOT BRUSHES, ARTICLES FOR CLEANING PURPOSES, NAMELY, CLEANING CLOTHS FOR SHOES AND BOOTS, GLASSWARE, PORCELAIN AND EARTHENWARE, EXCEPT FEEDING DISHES FOR ANIMALS, HIP FLASKS, FLASKS, VACUUM FLASKS, COOL BAGS, COOL BOXES, PICNIC WARE, FITTED PICNIC BASKETS, PICNIC BOXES, PICNIC CROCKERY, PICNIC UTENSILS, COOKING UTENSILS FOR USE WITH BARBECUES, HAND IMPLEMENTS FOR USE IN BARBECUE COOKING, WATERING CANS, MUGS, CUPS, CROCKERY, BOOT AND SHOE TREES, BOOT AND SHOE SHAPERS, BOOT AND SHOE SCRAPERS, BOOT AND SHOE SCRAPERS INCORPORATING BRUSHES, BOOT AND SHOE JACKS, BOOT AND SHOE HORNS, BOOT AND SHOE BRUSHES, CLOTHS FOR CLEANING BOOTS AND SHOES, TENTS, AWNINGS, TARPULINS, TEXTILES AND TEXTILE GOODS, HANDKERCHIEFS, TRAVEL RUGS, BLANKETS, LINERS FOR SLEEPING BAGS, FABRIC FOR BOOTS AND SHOES, TEA TOWELS, TOWELS, PICNIC RUGS, CLOTHING, FOOTWEAR, HEADGEAR, BOOTS, WELTS FOR BOOTS AND SHOES, NON-SLIPPING DEVICES FOR BOOTS, INNER SOLES, HEELS AND SOLES FOR FOOTWEAR, INSOLES FOR BOOTS AND SHOES, LINERS FOR BOOTS AND SHOES, BAGS AND POUCHES ADAPTED TO CARRY BOOTS AND SHOES, SOCKS, HATS, GLOVES, SCARVES, WATERPROOF FOOTWEAR, GALOSHES, GARTERS, HEADBANDS, JACKETS, JERSEYS, JUMPERS, KNITWEAR, NECK TIES, OUTER CLOTHING, APRONS, OVERALLS, OVERCOATS, PAJAMAS, PANTS, SANDALS, FLIP-FLOPS, SHIRTS, SHOES, SLIPPERS, SUN VISORS AND CAPS, SWEATERS, SWIMSUITS, T-SHIRTS, TOP HATS, TOP COATS, TROUSERS, UNDERCLOTHING, UNDERPANTS AND UNDERWEAR, FISHING VESTS, WAISTCOATS AND WATERPROOF CLOTHING, SPORTS CLOTHING, SPORTS FOOTWEAR, AFTER-SPORTS FOOTWEAR, BELTS AND MONEY BELTS, MATS, DOORMATS, MATTING, RUGS, TOYS, EXCEPT TOYS FOR DOMESTIC PETS AND TOYS FOR DOMESTIC DOGS, GAMES, PLAYTHINGS, OUTDOOR GAMES, OUTDOOR PUZZLES, GYMNASIUM AND SPORTING EQUIPMENT EXCEPT GYMNASIUM AND SPORTING EQUIPMENT FOR USE WITH ANIMALS, INFORMATION, ADVISORY AND CONSULTANCY SERVICES, IN THE FIELD OF THE AFORESAID RETAIL SERVICES, IN CLASS 35 (U.S. CLS. 100, 101 AND 102).

OWNER OF U.S. REG. NOS. 1,550,244 AND 2,740,877.

PRIORITY DATE OF 7-24-2008 IS CLAIMED.

OWNER OF INTERNATIONAL REGISTRATION 0993373 DATED 1-23-2009, EXPIRES 1-23-2019.

THE COLOR(S) RED, BLACK AND WHITE IS/ARE CLAIMED AS A FEATURE OF THE MARK.

THE MARK CONSISTS OF THE WORD "HUNTER" APPEARING IN BLACK INSIDE A RED RECTANGLE BORDER WITH A WHITE BACKGROUND.

SEC. 2(F).

SER. NO. 79-065,344, FILED 1-23-2009.

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